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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,345	09/25/2001	Tetsuo Nakata	1538.1017	5887
21171	7590	11/28/2003	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MCCLELLAN, JAMES S	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/961,345		NAKATA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	James S McClellan		3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Information Disclosure Statement*

1. Applicant's submission of an Information Disclosure Statement on 9/25/01 is acknowledged and has been entered. A signed copy of the PTO-1449 is attached to this Office Action.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-49 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. US 2002/0107820 A1 (Huxter) .

Regarding **claim 1**, Huxter discloses a method for processing physical distribution information, said method comprising the steps of: receiving and registering schedule information regarding a form of receiving of a package addressed to a member from the member (see page 5, paragraph #106): if a shipment request is received from a sender of a package, determining a delivery form with reference to at least the receiver's schedule information registered in said receiving and registering step if said receiver is a member (see page 5, paragraph #116); and if said delivery form determined in said determining step involves a movement of said package,

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generating delivery request information for a distributor in accordance with said delivery form (see page 5, paragraph #116); **[claim 2]** if said delivery form determined in said determining step involves a movement of the package, registering scheduled delivery information in said receiver's schedule information (see page 5, paragraph #116); **[claim 3]** sending said distributor information regarding said delivery form determined in said determining step before starting to deliver said package (see page 5, paragraph #11); **[claim 4]** receiving a delivery completion notice including receiving status data from said distributor (see page 2, paragraph #17); **[claim 5]** giving a predetermined point to said receiver if said receiving status data included in said delivery completion notice indicates the delivery has been performed by following a delivery schedule specified in said delivery form (see page 2, paragraph #17); **[claim 6]** giving a predetermined point to said receiver if said delivery form determined in said determining step indicates that delivery to a home of said receiver of said package and said receiving status data included in said delivery completion notice indicates that receiving has been performed by following a delivery schedule specified in said delivery form (see page 16, paragraph #255); **[claim 7]** receiving and registering information regarding a fixed delivery charge from said distributor after said package is received by said distributor (see page 15, paragraphs #245-246); **[claim 8]** there is a case where said delivery form is determined as undeliverable in said determining step (see page 16, paragraph #256); **[claim 9]** including information regarding a determined as undeliverable in said sending said sender a deliverable date if said delivery determining step (it is inherent that the e-tailer will be notified if a package is undeliverable); **[claim 10]** giving a predetermined point to said receiver if said delivery determined as forwarding or keeping in said determining step (see page 16, paragraph #255); **[claim 11]** said

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generating step, if said delivery form is determined as forwarding or keeping in said determining step, delivery request information addressed to said distributor is generated by using forwarding destination information or keeping place information registered for said receiver in advance (see page 16, paragraph #255); **[claim 12]** receiving and registering information of specified member from said member, and wherein, in said determining step, if said receiver is not available for receiving and said specified member is registered for said receiver, said schedule information for said specified member is referenced (see page 16, paragraph #255); **[claim 13]** if a delivery request to a non-member is received from a sender of a package, registering information of said non-member included in said delivery request as provisional member information; sending a member registration request to said non-member; and sending information registered as said provisional member information to said non-member if membership registration is requested from said nonmember (see page 7, paragraph #148); **[claim 14]** wherein in said receiving and registering step, schedule information regarding a form of receiving said package addressed to said member is received as a predetermined template selection instruction from said member (see page 5, paragraph #106); **[claim 15]** wherein said determining step comprises a step of sending a schedule input request to said receiver if said receiver's schedule information indicates it is not fixed (see page 16, paragraph #255); and **[claim 16]** wherein said determining step comprises a step of sending said sender a notice indicating scheduling in progress (see page 5, paragraph 106).

Regarding **claim 17**, Huxter discloses A method for processing physical distribution request, said method comprising the steps of: sending a central server (1000) a delivery request of a package, said delivery request specifying at least a receiver (400); and receiving a result

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notice of delivery scheduling including a case where it is indicated that said package is undeliverable, from said central server before starting to deliver said package (see page 16, paragraphs #255-256).

Huxter discloses a program and apparatus as set forth in **claims 18-49**. Claims 18-49 are similar to previously addressed claims 1-16.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Kirchof is cited of interest for disclosing a system storing shipping requirements and shipping profiles.

Johnson et al. is cited of interest for disclosing a system for storing a user profile including delivery requirements.

Abhyanker is cited of interest for disclosing a system for arranging shipping in an e-commerce environment.

Carruthers et al. is cited of interest for disclosing a system for scheduling online targeted content delivery.

Smith et al. is cited of interest for disclosing a delivery management system capacity process and display.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

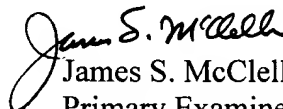
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm  
November 17, 2003